1	THE HONORABLE FRANKLIN D. BURGESS	
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7 8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
9	UNITED STATES OF AMERICA, )	) No. CR06-5543FDB ) MOTION, AFFIDAVIT AND AGREED ORDER CONTINUING SENTENCING HEARING )
10	Plaintiff,	
11	vs.	
12	RUSTY REX REAN,	
13	Defendant.	
14	)	
15	MOTION  COMES NOW the defendant, Rusty R. Rean, by and through his attorney, Zenon P.  Olbertz for an Order continuing his sentencing hearing, presently scheduled for April 20, 2007.  The government has no objection to this motion.  THIS motion is based on the Affidavit of Zenon P. Olbertz, attached hereto.  RESPECTFULLY SUBMITTED this 11 <sup>th</sup> day of April, 2007.	
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22		LAW OFFICE OF
23		ZENON PETER OLBERTZ Attorney for Defendant
24		/s/
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26		By: Zenon P. Olbertz
27		WSB #6080
	AGREED ORDER CONTINUING SENTENCING - 1	Law Office of Zenon Peter Olbertz

Law Office of Zenon Peter Olbertz 1008 So. Yakima Ave., Suite 302 Tacoma, WA 98405 (253) 272-9967/Fax: (253) 572-1441

1 **AFFIDAVIT** 2 STATE OF WASHINGTON ) : SS. 3 County of Pierce ) 4 ZENON P. OLBERTZ being first duly sworn under oath deposes and says that I have 5 been appointed to represent the defendant in the above entitled matter for post trial matters, 6 including sentencing and to review Mr. Rean's pro se motion for a new trial. In that regard I 7 have obtained the files from Tom Campbell who tried the case. I have also ordered the 8 9 transcripts from the trial. These transcripts were received in the past couple of days of this 10 week. I have yet to have the opportunity to review the transcripts and to prepare for further 11 proceedings. 12 I have related my request for a continuance of the sentencing to Kent Liu, who is the 13 Special Assistant U.S. Attorney in this matter. Mr. Liu indicated last week that he had no 14 objections to a continuance of the sentencing in this matter. I am therefore requesting that the 15 16 Court sign the agreed order continuing sentencing and provide additional time to supplement 17 any post trial motions filed in this case. 18 FURTHER YOUR AFFIANT SAYETH NAUGHT. /s/19 20 Zenon P. Olbertz, WSB #6080 SUBSCRIBED AND SWORN to before this 12<sup>th</sup> day of April, 2007. 21 22 /s/ Sarah M. Heckman 23 NOTARY PUBLIC in and for the 24 State of Washington. Residing at Tacoma. My Commission 25 Expires: 9/29/2009. 26 27

1 AGREED ORDER 2 THIS MATTER having come on before the above-entitled Court upon the 3 motion of the defendant, Rusty Rex Rean, for an order allowing continuance of his 4 sentencing hearing, presently scheduled for April 20, 2007; and the Court being in all 5 6 things fully advised; NOW THEREFORE, It Is Hereby 7 ORDERED that the sentencing hearing scheduled for April 20, 2007, is hereby 8 stricken. Sentencing is rescheduled to June 29, 2007 at 10:00 AM in Courtroom C. It 9 Is Further 10 11 ORDERED that any post trial motions in this case must be filed no later than 12 April 30, 2007. 13 DATED this 16<sup>th</sup> day of April, 2007. 14 15 <u>/s/ Franklin D Burgess</u> THE HONORABLE FRANKLIN D. BURGESS 16 17 Submitted by: 18 /s/19 Zenon P. Olbertz, WSB #6080 20 Attorney for Rusty Rean 21 /s/ Zenon P. Olbertz for 22 Kent Y. Liu 23 Assistant U.S. Attorney 24 25 26 27